

1 STEVEN G. KALAR  
Federal Public Defender  
2 NED SMOCK  
Assistant Federal Public Defender  
3 555 - 12<sup>th</sup> Street, Suite 650  
Oakland, CA 94607  
4 Telephone: (510) 637-3518  
5 Counsel for Defendant ANA LISSA REYES

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR-12-70810 MAG  
11 )  
Plaintiff, ) STIPULATION AND ~~PROPOSED~~  
12 ) ORDER RESETTING DATE FOR  
vs. ) PRELIMINARY HEARING  
13 )  
ANA LISSA REYES, )  
14 )  
Defendant. )  
15 \_\_\_\_\_)

16 IT IS HEREBY STIPULATED between the plaintiff through its attorney, Wade Rhyne,  
17 and the defendant through her attorney Ned Smock, that the preliminary hearing in this matter  
18 now set for December 20, 2012 at 9:30 a.m. shall be reset for February 4, 2013 at 9:30 a.m. The  
19 parties are exploring possible resolution of the case. Ms. Reyes is out of custody. The  
20 government has provided disclosures of extensive reports and records. Additional records and  
21 reports are still forthcoming. The case involves thousands of pages of discovery. The defense  
22 needs additional time to review those records as the parties attempt to negotiate a pre-indictment  
23 resolution. Reviewing and synthesizing the records is necessary as the parties negotiate, among  
24 other things, Sentencing Guidelines calculations.

25 Defendant Reyes and her counsel waive the provisions of Rule 5.1(c) of the Federal  
26

1 Rules of Criminal Procedure requiring a preliminary hearing to be held within 20 days of her  
2 initial appearance and 18 U.S.C. § 3161(b) requiring an indictment to be filed within thirty days  
3 from the date of arrest. The continuance is also necessary to allow counsel for the defendant the  
4 reasonable time necessary for effective preparation, taking into account the exercise of due  
5 diligence. Accordingly, the parties further stipulate and agree that the time from December 20,  
6 2012 to February 4, 2013, should be excluded in accordance with the provisions of the Speedy  
7 Trial Act, 18 U.S.C. § 3161(7)(B)(iv).

8  
9 IT IS SO STIPULATED:

10 Dated: December 17, 2012

/s/ Ned Smock  
NED SMOCK  
Assistant Federal Public Defender

11  
12  
13 Dated: December 17, 2012

/s/ Wade Rhyne  
WADE RHYNE  
Assistant United States Attorney

14  
15  
16 **ORDER**

17 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the preliminary  
18 hearing in this matter now scheduled for December 20, 2012 is hereby rescheduled for February  
19 4, 2013 at 9:30 a.m. and that time is excluded from December 20, 2012 to February 4, 2013  
20 pursuant to 18 U.S.C. § 3161(7)(B)(iv).

21  
22 Dated: December 17, 2012

Kandis Westmore  
HONORABLE KANDIS WESTMORE  
United States Magistrate Judge